

Trial Hearing
WITNESS: CAR-OTP-P-2462

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 31 August 2021
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:13] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:38] Good morning, everyone.
14 Good morning, Madam Witness. I hope -- the Chamber hopes that you had a good
15 rest from yesterday to today.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:31:51] Good morning, Mr President, your Honours.
18 Situation in the Central African Republic II, in the case of The Prosecutor versus
19 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you. I ask for the appearances of
22 the parties. Prosecution first, please.
23 MS BERDENNIKOVA: [9:32:11] Good morning, Mr President, your Honours. The
24 Prosecution today is represented by Olivia Struyven, Kweku Vanderpuye,
25 Yassin Mostfa and myself, Maria Berdennikova. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:32:23] Thank you.
2 Ms Douzima.
3 MS DOUZIMA-LAWSON: [9:32:26](Interpretation) Good morning, your Honours.
4 The victims of the other crimes are represented by myself, Ms Marie-Edith Douzima,
5 and my legal assistant Evelyne Ombeni.
6 PRESIDING JUDGE SCHMITT: [9:32:52] Thank you.
7 Mr Suprun.
8 MR SUPRUN: [9:32:53] Good morning, Mr President, your Honours. The former
9 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
10 Public Counsel for Victims. Thank you.
11 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you.
12 I turn to the Defence. Ms Dimitri.
13 MS DIMITRI: [9:33:05] Good morning, Mr President. Good morning,
14 your Honours. Good morning, everyone.
15 Mr Yekatom, who's present in the courtroom, is represented today by Ms Léa Benoit,
16 legal intern, and myself, Mylène Dimitri.
17 PRESIDING JUDGE SCHMITT: [9:33:19] Thank you. And the Defence of
18 Mr Ngaïssona? I don't know if Mr Knoops is rising or Ms Proulx.
19 MR KNOOPS: [9:33:26] Good morning, Mr President, your Honours. Ms Proulx is
20 indeed conducting the examination by the non-calling party. We are represented
21 today by Ms Proulx, Ms Eleftheriou, Ms Pedroso on my right side, and my left side
22 two interns, Eva Kalb and Mathilde Couloigner. And Mr Ngaïssona is here as well.
23 PRESIDING JUDGE SCHMITT: [9:33:48] Thank you.
24 So, Madam Witness, you are now going to be questioned by Defence counsel. And I
25 give the floor to Ms Proulx.

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1 MS PROULX: [9:34:14] Thank you, Mr President.

2 WITNESS: CAR-OTP-P-2462 (On former oath)

3 (The witness speaks Sango)

4 (The witness gives evidence via video link)

5 QUESTIONED BY MS PROULX: (Interpretation)

6 Q. [9:34:25] Good morning, Witness. My name is Marie-Hélène Proulx. We met
7 each over briefly last week on Friday. As I explained, I am one of the lawyers
8 representing Patrice-Edouard Ngaissona. So today it's my turn to put questions to
9 you.

10 As you remember yesterday, you were asked to take a little break between hearing a
11 question and answering it to allow the interpreters to do their work. Now, I intend
12 not to take too much time. I know you had a very difficult day yesterday, so I'm
13 hoping that we will be able to conclude our questioning before lunch.

14 Now, as I told you last week, as I do my work it is possible that you will not like some
15 of my questions or that they may make you uncomfortable.

16 Now, Witness, I want you to know that that is not because of any lack of respect that I
17 might have for you or your relatives. No, it's because I will need to clarify some
18 aspects of your testimony.

19 Have you understood?

20 A. [9:36:08] Yes, I understand.

21 MS PROULX: [9:36:13] Mr President, with your leave, I would like to start in private
22 session.

23 PRESIDING JUDGE SCHMITT: [9:36:20] Yeah, private session.

24 (Private session at 9.36 a.m.)

25 THE COURT OFFICER: [9:36:27] We are in private session, Mr President.

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(Private Session)

ICC-01/14-01/18

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7 (Open session at 9.53 a.m.)

8 THE COURT OFFICER: [9:53:20] We are back in open session, Mr President.

9 MS PROULX: [9:53:32] (Interpretation)

10 Q. [9:53:34] Witness, yesterday you spoke about the arrival of the Seleka elements
11 in Bossangoa. This was in March 2013. You provided us with a lot of information
12 about the arrival of the Seleka and the atmosphere in town at that time, but I'd like to
13 know specifically if you recall how the Seleka were dressed?

14 A. [9:54:18] On that day, we all fled. I didn't see them enter town, but when we
15 came back to town, I saw them and I saw some of them were wearing outfits.

16 Q. [9:54:43] When you say that some of them were wearing outfits, do you mean
17 that some of them were dressed in a different way, were wearing different -- a
18 different type of clothes?

19 A. [9:55:09] I don't know, but those that I saw, they were wearing outfits.

20 THE INTERPRETER: [9:55:17] The interpreter adds: This may mean uniforms, but
21 not necessarily.

22 MS PROULX: [9:55:26] (Interpretation)

23 Q. [9:55:29] Now, you explained in your statement -- and of course I should give
24 the reference number of the statement. It's document 28 in the Defence's folder, and
25 I'm referring to the statement in French, the French version and the reference is

1 CAR-OTP-2118-2226. And for the purposes of my question, I will be referring to
2 paragraph 20 on page 2230.

3 Now, you explained that when the Seleka arrived into Bossangoa the Christians were
4 afraid of the Seleka because they only spoke Arabic and not Sango.

5 Witness, do you agree or do you know if the Seleka, perhaps not all of them, but some
6 of them, were actually foreigners that came from neighbouring countries such as
7 Chad or Sudan?

8 A. [9:57:17] No -- I don't know. I never heard talk about the Seleka. People said
9 they only speak Arabic. That's what I heard. That's what people were saying.

10 Q. [9:57:38] Thank you. Now, yesterday - and I refer to page 12 and 13 of the
11 real-time French transcript - and you said that the Seleka were not well received by
12 the local population and that neither the Christians nor the Muslims liked the Seleka.
13 Now, why was that the case, in your opinion? Why did neither the Christians nor
14 the Muslims like the Seleka?

15 A. [9:58:27] Everyone was afraid. There were explosions almost every day.
16 There was no reason to like them. That wasn't something that was likeable.

17 Q. [9:58:51] Witness, the Office of the Prosecutor took notes during the telephone
18 conversation which you had with them in April, and the notes say that you said that
19 the Seleka looted houses of civilians.

20 Now, to your knowledge, was that the case throughout the period of the Seleka
21 regime in Bossangoa?

22 A. [9:59:36] I didn't see them, but people were saying that there was looting.
23 Personally, I didn't witness it.

24 Q. [9:59:57] I'd like to read out a short extract from a statement made by a person
25 who was interviewed by the Office of the Prosecutor. Now, this is document 25 in

1 the Defence folder, CAR-OTP-2104-0458. And the extract in question is on page 0470
2 at paragraph 49, in fact.

3 Now, Witness, this person recounts, and I'm going to quote now:

4 "After the Seleka took power in Bangui, a colonel called Yusuf was appointed as the
5 military chief in Bossangoa. The priests who were in Bossangoa at the time spoke to
6 me about him. They said that the Seleka were robbing people. When people
7 resisted them, they would kill them. Sometimes, people would ambush them.
8 When the Seleka lost men in an ambush, they would return to Bossangoa and torch
9 houses by way of reprisal." End of quotation.

10 First of all, have you ever heard of Colonel Yusuf?

11 A. [10:01:53] Never. I've never heard anything about him. However, I heard of a
12 Colonel Yaya who was involved in ambushes, but I've never experienced that because
13 I can't talk about something that I've never experienced myself.

14 There were detonations everywhere at that time, not only in Bossangoa.

15 Q. [10:02:35] I'm just going to go back to what you said. You said you remember
16 General Yaya. In April 2019 when you spoke to the OTP on the telephone, you said
17 at that time that you didn't remember who was the head of the Seleka in Bossangoa.
18 Did somebody remind you of the name of General Yaya after that phone call?

19 A. [10:03:26] No. I knew his name, but at that moment I just had forgotten.

20 When you asked me the question about him, I was scared and later on I remembered
21 his name. That's why later on I gave that name.

22 Q. [10:03:57] Were you aware at the time in the extract I just read to you that the
23 Seleka looted the local population and put -- set fire to houses and beat up civilians?
24 Were you aware of that, that they did that in addition?

25 A. [10:04:37] I never witnessed that myself, but that's what people were saying.

1 Q. [10:04:57] Madam Witness, during this trial, the Court has received some
2 evidence which suggests that at that time, civilians, both Christians and Muslims,
3 obtained arms from the Seleka in order to protect themselves. Did you notice at the
4 time that some civilians were armed?

5 A. [10:05:51] I don't know because no member of my family owned arms, so I'm
6 not in a position to say anything more about that.

7 Q. [10:06:04] Thank you, very well. In paragraph 25 -- 20 of your statement you
8 said that you learnt that there was a Christian who sought refuge in the bush, but in
9 fact they all came together in order to train to be able to fight the Seleka. So in fact,
10 in fact, there were entire families who fled to the bush simply to escape from the
11 exactions of the Seleka. Is that something you're aware of?

12 A. [10:06:52] No, I'm not aware of that.

13 Q. [10:07:19] I'm going to read a small extract from a United Nations report on the
14 situation in CAR. And this document is 5 in the Defence binder,
15 CAR-OTP-2001-0391, and the extract is on page 0397, paragraph 29. And I quote:
16 "According to some Central Africans, the illegal acts committed by the former Seleka,
17 when they seized power, was beyond the scope of anything the country has faced
18 before. The ex-Seleka by launching the attack against the Christian population and
19 also the Muslim communities contributed to destroy the relationships between the
20 two communities."

21 Madam Witness, according to this report, the exactions of the Seleka were so great
22 that it was difficult to ignore them, particularly for someone who was living in
23 Bossangoa at the time. How can you explain that you didn't hear about the
24 exactions carried out by the Seleka?

25 A. [10:09:08] It's true. You said that the Seleka committed exactions. The Seleka

1 were everywhere throughout CAR. But the exactions of the Seleka, how could I
2 know about all their exactions? I wasn't together with the Seleka. I didn't have any
3 links to the Seleka. How could I know what exactions they were committing here
4 and there? It's not possible.

5 PRESIDING JUDGE SCHMITT: [10:09:55] Ms Proulx, shortly. And I think the
6 witness has at least said she has heard of looting and all the things. And it might be
7 advisable in case this is correct -- this was correct, for civilians to stay away from such
8 things. So it might very well be that civilians only hear from -- the things. So
9 it's -- I think we have an answer here. You can continue.

10 MS PROULX: [10:10:20] (Interpretation)

11 Q. [10:10:23] Madam Witness, I just have another question with regard to the
12 extract I've just read out to you, namely, this United Nations report talks about the
13 impact of the Seleka in the worsening of relations between the various religious
14 communities. Is that something that you yourself noticed at that time?

15 A. [10:10:52] Given these events, everybody was wondering what was going on,
16 but the Anti-Balaka, in order -- clashed with the Seleka and killed them. After these
17 clashes, there were civilians who lost their lives. But I can't say something about the
18 Seleka because I didn't come near to them. It's difficult to say anything about the
19 Seleka and the exactions that they committed.

20 Q. [10:11:46] I understand, Madam Witness. No problem with that. If you don't
21 know, I understand, and we'll move on.

22 MS PROULX: [10:11:56] (Overlapping speakers) And for my next few questions
23 I would need to go back into -- yes.

24 PRESIDING JUDGE SCHMITT: [10:12:02] Private. When you say "closed", we
25 understand also.

1 Private session.

2 (Private session at 10.12 a.m.)

3 THE COURT OFFICER: [10:12:19] We are in private session, Mr President.

4 (Redacted)

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21 (Open session at 10.14 a.m.)

22 THE COURT OFFICER: [10:14:53] We are back in open session, Mr President.

23 MS PROULX: [10:14:59] (Interpretation)

24 Q. [10:15:04] I'm going to change the subject now, Madam Witness. I want to go

25 back to one thing you said yesterday, and this is the report on page 38, where you

1 said that the people of the villages around Bossangoa fled in September 2013 to seek
2 refuge in the *École de la Liberté*. You said that those individuals fled the Anti-Balaka.

3 Did they describe the appearance of the Anti-Balaka to you?

4 A. [10:16:09] No, I didn't want to find out. They just said it was the Anti-Balaka.

5 Q. [10:16:23] Did the same people mention the presence of the other people who
6 were attacking, in addition or excluding the Anti-Balaka?

7 A. [10:16:55] They also spoke about the Seleka.

8 Q. [10:17:04] I'm going to read an extract of a press article. It's document 12 for
9 the Defence binder, CAR-OTP- -- this is on page 0409 of the binder --

10 *CAR-OTP-2074-0399.

11 THE INTERPRETER: [10:17:37] Sorry, the interpreter didn't get the exact numbers.

12 MS PROULX: [10:17:41] (Interpretation)

13 Q. [10:17:37] This is of September 2013. I'm going to read an extract. It's a bit
14 long, so I do apologise for that.

15 "Recall of the facts. Concurring sources, it talks about the violent reactions of the
16 Seleka on the civilian population, and this is -- this is origin of the death of Muslims
17 and children of the Friday, 6 December 2013, about 21 o'clock, 9 o'clock. Informed
18 about the situation, the Seleka in Bakassa descended into this village for killing men,
19 women and the children of the village. According to the information received on the
20 ground, the inhabitants of Zere, which is about 30 kilometres from Bossangoa, on the
21 route to Bossangoa, looked at the Seleka who were arriving in the vehicles.

22 Informed about the situation, retaliations were quick to follow. On 8 September it
23 was complete desolation of the Zere population who sought refuge in the Soungbe
24 municipality. According to some witnesses, the population of Bossangoa does not
25 understand why the Seleka transposes the situation on the civilian population."

1 Madam Witness, the extract that I've just read and the details of exactions committed
2 by the Seleka in Zere and Bowaye, these exactions also caused the death of Muslims
3 and civil population. At that time did you hear about the Seleka who were also
4 attacking the Muslims?

5 A. [10:19:58] I wasn't there. And it's the first time I'm taking note of this
6 document. I really don't know. According to what you've said, the Seleka were
7 fighting the Anti-Balaka.

8 THE INTERPRETER: [10:20:20] And the interpreter adds that the actual witness
9 hasn't finished her sentence.

10 MS PROULX: [10:20:31] (Interpretation)

11 Q. [10:20:32] Have you finished your answer or do you wish to add anything?

12 A. [10:20:40] I've finished.

13 PRESIDING JUDGE SCHMITT: [10:20:44] Madam Proulx, shortly. First of all, this
14 was because the interpreters did not get it, CAR-OTP-2074-0399.

15 And secondly, I think with regard to this witness, you can, I think in my opinion,
16 draw the information out of such an article and ask her directly. I think to read the
17 newspaper article to a witness, what can he or she, yeah, in case, really tell us about it.
18 I think it could confuse witnesses, in my opinion.

19 So you know there was a clear, there was clear -- there was reference to two smaller
20 compounds or villages close to Bossangoa. Simply from there you can ask the
21 witness if she had heard about it, the exactions and whatsoever. Yeah?

22 Please continue.

23 MS PROULX: [10:21:41] Thank you for the guidance, Mr President.

24 Q. [10:21:47] (Interpretation) Madam Witness, the article I've read also mentioned
25 that the inhabitants of Zere, the civilians, participated in the attack. Were you aware

1 of that at the time that civilians around Bossangoa were attacked by the Seleka or the
2 Muslims?

3 (Speaks English) Should I wait until the problem is solved or should I repeat the
4 question? Repeat.

5 (Interpretation) Madam Witness, I'm going to repeat the questions because I think
6 you didn't quite get the information.

7 Did you hear said at the time that the inhabitants, the civilians, were part of the Seleka
8 or the Muslim?

9 A. [10:23:29] I don't know about that. In Bossangoa I didn't see them. I don't
10 know about the provinces because I wasn't there. I can only tell you what I heard
11 said.

12 Q. [10:23:49] Yes, I know you weren't in the villages yourself, but my question was
13 did you hear somebody talk about it?

14 A. [10:24:09] I didn't ask other people about it. These were the type of things I
15 wouldn't just discuss with anyone.

16 Q. [10:24:33] I just want to point your attention to another press article, document
17 13 of the Defence binder, CAR-OTP-2079-1940 of 4 October 2013 on page 1941. It is
18 referring to the events in Zere and the Seleka exactions.

19 The passage that I'm going to talk about is the sixth paragraph and it's an
20 interview -- an extract of an interview with the bishop of Bossangoa. The bishop
21 explains in his interview that the exactions of Seleka meant that the population, the
22 non-Muslim population, in particular, decided to attack the Muslims, in particular, to
23 do something to the Muslim houses. At that time were you aware that civilians who
24 were non-Muslims attacked the Muslim civilian houses?

25 A. [10:26:31] I'm not sure. Was this still with the *École de la Liberté*?

1 Which -- what time period? When we were at the *École de la Liberté*, I never went
2 back to my home. During that time, I remained at the *école*. There were houses that
3 were burnt down, and those houses that were burnt, were the civilians or the
4 Anti-Balaka, I don't know who did the burning. What is sure is that we saw that
5 houses had been burnt.

6 Q. [10:27:24] Thank you for your answer. In the article which I've just mentioned
7 partially, it's dated 4 October 2013, so two or three weeks after the attacks of
8 17 September. Were you aware of the attack of the civilian -- the Christian civilians
9 against the Muslim civilians at that time?

10 A. [10:28:04] I heard talk about it. Even if I didn't witness it myself.

11 Q. [10:28:14] Bearing in mind what you yourself know and the articles which I've
12 just shared with you, do you agree with me to say that the people who sought refuge
13 in the neighbouring village and went to the *École de la Liberté* in August, September,
14 were those people attacked or had to flee because of Seleka attacks, civilian Seleka
15 attacks? Could you agree with that?

16 A. [10:28:56] I don't know.

17 Q. [10:29:15] I'm going to turn to the attack on 17 September 2013. Once again, I
18 go back to your telephone conversation with the OTP on 26 April 2019. During that
19 telephone call you did not mention the attack of 17 September. You said you
20 remembered two attacks in particular, one in October and one in December. But, in
21 fact, in your statement and also yesterday you made a detailed description and you
22 gave personal information. Could you explain the difference between what you said
23 during the telephone conversation and what you said since that?

24 PRESIDING JUDGE SCHMITT: [10:30:24] I don't think there's a difference here. As
25 I understand it - and perhaps Prosecution may correct me - a telephone conversation

1 is there to inquire if it makes sense to make an interview with the witness and
2 produce a statement. And it is not a, let's say, a substitute for a complete statement.
3 So if the witness does not mention something, I think it's not of extreme significance.
4 You can ask her about that: Why didn't you mention it? But it's not to be construed
5 as a discrepancy to the transcript we have of the statement, I would say. Because it's,
6 as I understand it - and you may correct me, Mr Vanderpuye or Ms Struyven - these
7 telephone calls are, yeah, a preliminary contact to -- to make clear if it makes sense to
8 call -- to call the witness for an interview and a witness statement.

9 MS PROULX: [10:31:26] I understand your point, Mr President. My question stems
10 from the fact that (Overlapping speakers).

11 Apologies. In the screening she gives two very specific dates, none of which is
12 17 September, which is why I was asking the question.

13 PRESIDING JUDGE SCHMITT: [10:31:49] Then we can make in short.

14 You have heard our discussion and conversation, Madam Witness. In the telephone
15 call obviously you did not mention 17 September 2013 attack. Do you recall why
16 that might have been?

17 THE WITNESS: [10:32:29](Interpretation) I told you initially I was afraid when I was
18 on the phone. There is a difference between talking on the telephone and talking
19 face to face.

20 PRESIDING JUDGE SCHMITT: [10:32:49] Please, please move on.

21 MS PROULX: [10:32:58](Interpretation)

22 Q. [10:33:01] Witness, yesterday you said that you had heard that the Seleka were
23 battling the Anti-Balaka on 17 September in the morning. That's on the transcript of
24 yesterday on page 18.

25 Did you see these people fighting? Did you see them with your own eyes

1 on 17 September?

2 A. [10:33:35] No, I wasn't present. We heard gunfire and we wondered why that
3 was and we were told it was because there were clashes between the Seleka and the
4 Anti-Balaka. I personally was not there in the field. It's just what I heard.

5 Q. [10:34:03] Did you see Anti-Balaka yourself on that day?

6 A. [10:34:18] No, I didn't see the Anti-Balaka because I had fled to hide. So I
7 wasn't in a position to see the Anti-Balaka.

8 Q. [10:34:35] Witness, I see that you are a bit upset. Would you like to have a
9 break or would you prefer that we continue?

10 A. [10:34:58] We can continue.

11 Q. [10:35:06] Do you recall when you saw the Anti-Balaka for the first time? You
12 yourself that is, when did you see them with your own eyes?

13 A. [10:35:31] I saw them on 5 December.

14 Q. [10:35:43] Thank you. You said that you encountered Anti-Balaka in the
15 hospital, notably in the wake of the 5 December attack. At that time the town was
16 still under the control of the Seleka; is that correct?

17 A. [10:36:22] I don't remember if the Seleka were still present in town or whether it
18 was the French who were there. I don't recall.

19 Q. [10:36:38] After the events of 17 September in Bossangoa, did you witness, did
20 you see or did you hear about reprisals by Seleka fighters against Christian civilians?

21 A. [10:37:12] I didn't -- I didn't witness that. I didn't see that.

22 Q. [10:37:28] Did you know, for instance, or did you hear that the Christian leader
23 of the Fulbe district had been taken into the bush by the Seleka and was never seen
24 again?

25 A. [10:37:56] Yes, I did hear that.

1 Q. [10:38:08] Did you also hear that a butcher called Nestor had been accused of
2 being Anti-Balaka and was killed by the Seleka?

3 A. [10:38:31] No.

4 Q. [10:38:49] I'm going to return to a document that I showed you earlier, this is
5 document 5. I've already provided the reference numbers to it. But this time
6 I would like to draw your attention to a passage on page 0394 at paragraph 10.
7 Now that paragraph describes the reprisals by the Seleka coalition in the days after
8 the 6th and -- the attacks on 6 September and 17 September. What it says is that the
9 Seleka -- and that they had killed 61 people between 8 and 20 September in Bossangoa
10 and its environs and then between -- and that afterwards the Seleka had also carried
11 out reprisals between the end of September and the beginning of October in the
12 locality of Wikamo, and that they had burnt down the whole village.

13 Now, is that something that you heard about?

14 A. [10:40:55] I don't know who I could have asked to have information about that.
15 Now I have no connections with the Seleka so I was not in a position to know
16 anything about what they were doing.

17 Q. [10:41:16] No, I understand that. Of course, Ms Witness, I'm not insinuating at
18 all that you have links with the Seleka. What I'm wondering is whether people in
19 your part of town were talking about those events. But of course I'm not making any
20 link between you and your family and the Seleka.

21 I have two more examples of reprisals that I'd like to talk to you about and then we
22 can move on to something else.

23 Now I'd like to go back to document 12, and I provided the reference numbers of that
24 document earlier, and this time I'm going to refer to a passage on page 0401. It is an
25 article from -- from the newspaper *Le Pays* dated 18 September 2013.

1 Now, the extract in question describes horrendous scenes, horrible scenes of reprisals
2 carried out by the Seleka coalition at Bossangoa and Batangafo, and it also refers to
3 women and children moving in different directions to get refuge, refuge with the
4 bishop and with the imam of Bossangoa.

5 Now, this article indicates that the Seleka reprisals at the time targeted both civilian
6 Christians and civilian Muslims.

7 Now, did you hear about that?

8 A. [10:43:27] I think that I told you.

9 THE INTERPRETER: [10:43:42] The Sango interpreter can no longer hear the
10 witness, in fact.

11 THE WITNESS: [10:43:53](Interpretation) Well, back at the time you could hear
12 explosions everywhere, people were running in every direction, so I just did not
13 know what was going on.

14 MS PROULX: [10:44:09](Interpretation)

15 Q. [10:44:10] Witness, the Sango interpreter is telling me that he did not hear the
16 beginning of your answer. Could you repeat the beginning.

17 A. [10:44:35] I said that in Bossangoa there were explosions practically every day
18 and people were running in all directions. We didn't know what was going on and
19 also we were all living in different areas in town. But it's important that you know
20 that these explosions were taking place regularly.

21 Q. [10:45:06] I've understood well. Thank you.

22 Now I have one last newspaper article to put to you, if you could just be patient with
23 me, and then we can move to something else.

24 Now, I'm referring to document 22 in the Defence binder, reference

25 CAR-OTP-2087-9530. This is a newspaper article again, from the newspaper

1 *Le Confident* dated 18 November 2013. So this is two months after the attack of
2 17 September.

3 Now, this article contains an interview with a female inhabitant of Benzambe
4 who -- who says that the Peuhl, the Boro Peuhl were attacking them and that they
5 were armed and that the civilian population did not know who to turn to.

6 There's also an interview with a man called David who had walked 70 kilometres to
7 get to Bossangoa, and he reported that the areas around Bossangoa were being
8 attacked on a daily basis by the Seleka and were the object of Seleka reprisals. And
9 he says, and I quote, "For them everybody is Anti-Balaka. Either you're the mother
10 or the father of an Anti-Balaka, all the young people are tracked down and killed.
11 They kill everybody they come across."

12 Now, have you heard of abuses carried out by the Peuhl on members of the civilian
13 population?

14 A. [10:47:30] You mean abuses carried out by the Peuhl in Bossangoa or in the
15 villages? You see, most of the Peuhl lived in -- out in the bush with their livestock,
16 so it was impossible to know what they were doing.

17 Q. [10:48:09] Have I understood correctly that you have never heard of the Peuhl
18 attacking people in the environs of Bossangoa?

19 A. [10:48:25] No. No, I didn't hear that. Because those living in the bush fled to
20 find refuge in the *École de la Liberté*, so I'm afraid I don't have any information to give
21 you on this point.

22 Q. [10:48:47] Very well. Witness, in light of what you have learnt after the events
23 and also in the light of the documents that I presented to you today, documents
24 regarding the Seleka, the civilians, the Peuhl, is it possible that some of the abuses
25 which took place at the time may have been erroneously attributed to the

1 Anti-Balaka?

2 A. [10:49:26] I'm afraid I'm not in a position to give opinion on the matter because I
3 didn't commit any abuses myself and I didn't -- I wasn't present when any abuses
4 took place, so I'm afraid I really can't give you an opinion on it or speak to it.

5 Q. [10:50:08] Thank you very much.

6 PRESIDING JUDGE SCHMITT: [10:50:09] Madam Proulx, you started wonderful
7 with the pace, but now in the past minutes you are a little bit falling back, so to speak.
8 You're accelerating your speed and especially you need to wait until the translation
9 has finished. Thank you.

10 MS PROULX: [10:50:27] Point taken, Mr President. Apologies.

11 Q. [10:50:34] (Interpretation) Witness, I'd now like to show you a short video. It's
12 document 11, CAR-OTP-2073-1299, and I'm going to show you about five minutes
13 starting at minute 11, that's 11:10 to 16:02.

14 Now, this is a video which is dated 5 October 2013. And I'd just like to point out that
15 our team has produced a transcript of this video because there wasn't one available
16 previously. It has been provided to the interpreters who have it, I believe, and so
17 that should assist them in their work.

18 PRESIDING JUDGE SCHMITT: [10:51:39] And is it supposed to be Bossangoa or
19 just information for the judges?

20 MS PROULX: [10:51:47] I'm sorry, Mr President. I missed your question.

21 PRESIDING JUDGE SCHMITT: [10:51:50] I was asking if the video is supposedly in
22 Bossangoa or about Bossangoa?

23 MS PROULX: [10:51:56] Yes, that's right.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [10:52:05](Interpretation of the video excerpt)

1 "The houses were looted and then burnt, the civilians fled. In the villages, we
2 stopped to take some photos. Suddenly, a group of men appear, one of them starts
3 talking.
4 There were clashes in Bossangoa. The Seleka men came here and accused us of
5 attacking Muslims and they set our houses on fire. We've got nothing to do what
6 happened over there, so we fled into the bush.
7 If the Seleka comes back, we'll have to leave for the bush again. And if they find us,
8 for sure they'll kill us.
9 These villagers say that they are not a member of any armed group. They're staying
10 here to tend to their goats and to their pigs. They show us the ransacked houses and
11 a body which is decomposing and which has been devoured by the pigs.
12 There there's a corpse, a body of somebody killed by the Seleka, a village man who
13 was killed by the Seleka.
14 How many people were killed in the village?
15 I think dozens, maybe twenties. Some of them died in the bush.
16 We arrive in Bossangoa. This is the -- the birth place of former President Bozizé. In
17 the village of Zere, which is nearby, on 7 September, those who are called the
18 Anti-Balaka, in other words, Anti-Balaka machete in Sango, attacked the Muslims.
19 The Seleka retaliated through a number of options. In the region -- the whole region
20 ignited, villages emptied and there was talk of hundreds of people dead. In
21 Bossangoa everybody fled. The Christians, who formed the large majority of people
22 here, gathered around the St Anthony of Padua cathedral. They are protected by
23 soldiers of the pan-African force. Several tens of thousands of refugees are here with
24 one water tap and two latrines. Abbé Frederic Tonfio, vicar of the diocese, is
25 overwhelmed.

1 We have more than 36,000 displaced people here. There was 36,700 yesterday. I'm
2 very worried. It's the toilets. People are stuck here. They do everything here.
3 They have nothing. They are right here. They eat, sleep and do everything here.
4 It's a very dangerous status.
5 The big question everybody wonders is who is responsible?
6 It was the Seleka.
7 Do you think that's cut and dry?
8 Yes, it's cut and dry. Because they are the ones who are supposed to maintain
9 security here and they are the ones who were firing on people. So they are the ones
10 who are responsible.
11 For decades, in the Central African Republic, Christians and Muslims have lived
12 together in peace. What happened here suddenly was -- you could say was
13 inter-religious tensions?
14 No, I don't think it was religious tension. I have always said that there is no conflict
15 between Muslims and Christians. Rather, this is a conflict which was awakened,
16 was brought about, was provoked by the arrival of the Seleka who are Muslims and
17 they are Muslims. So it is the Muslims -- so they are with the Muslim people. They
18 support the Muslim people. There's been a loss of trust between the communities
19 and we have had to reconcile people now. That's the work we have to do. We have
20 to mend hearts. It's going to be a long-haul job, very difficult.
21 The day that we arrived, the first aid -- the first first aid convoy arrived. Father
22 Dieudonne hopes that it will be the first of many and that they will follow rapidly.
23 Here we have buckets, sanitary pads, towels, toothbrushes, everything for the women
24 who have left their homes with nothing. It's what they need. It's a beginning and
25 the women are very happy to receive these donations.

1 All the stories we hear involve fear, violence, incomprehension.

2 I'm here in this camp with my two children, they killed two and I -- and I fled.

3 Now, how do you explain the sudden outbreak of violence?

4 I don't understand, the turn of events took us by surprise. At 4 o'clock in the
5 morning they began to fire from every quarter. We had no idea what was going on.

6 I lived in the Arab quarter for a long time, but recently it became unbearable there.

7 There were threats all of the time. We were being threatened with knives, with
8 weapons, I had to fly -- or to flee to come here."

9 MS PROULX: [10:57:15] Mr President, just for timing, I have two or four -- three or
10 four questions and then --

11 PRESIDING JUDGE SCHMITT: [10:57:21] I think it makes sense to put the questions
12 now to the witness because she has just seen the video like we also have done.

13 MS PROULX: [10:57:29] (Interpretation)

14 Q. [10:57:34] Witness, now, the men that we saw at the beginning of the video, the
15 villagers, do you think they were Anti-Balaka or civilians?

16 A. [10:58:00] I don't know. I don't know. I'm not Anti-Balaka. I'm not anything.
17 So how you can ascertain by somebody's voice whether they are Anti-Balaka or
18 Seleka, well, it's something difficult to ascertain.

19 Q. [10:58:22] Very well. Thank you. In your statement, you refer to peace talks
20 between the communities which took place in the wake of 17 September and you say
21 that following that dialogue the Christian population left the cathedral to return to
22 their homes. Now, Witness, what we see on the video I just showed you seems to be
23 very different. There there was talk of 36,700 refugees. Were you aware that there
24 were so many refugees at the bishopdom at that time?

25 A. [10:59:19] Well, I wasn't with them to know how many were there. I had no

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1 way of knowing that. How many there were at the time, really, I don't know and
2 couldn't have known.

3 PRESIDING JUDGE SCHMITT: [10:59:43] May I shortly?

4 Madam Witness, at the time where you lived in Bossangoa, how far away is it from
5 this -- this place that has been shown, this church, this cathedral? How much away
6 is that, if you recall it?

7 THE WITNESS: [11:00:18](Interpretation) I don't know. Maybe between 3 and
8 4 kilometres. I'm not quite sure.

9 PRESIDING JUDGE SCHMITT: [11:00:30] It's clear that you don't know exactly how
10 much kilometres, but just approximately. That's fine.

11 So did you and your community, was there talk about this problem that there were a
12 lot of refugees 3 or 4 kilometres away from your place?

13 THE WITNESS: [11:01:05](Interpretation) No.

14 PRESIDING JUDGE SCHMITT: Please move on.

15 MS PROULX: [11:01:12] (Interpretation)

16 Q. [11:01:15] Witness, would you like to say anything about the video you have just
17 seen? Is there anything you would like to say or anything you would like to add?

18 A. [11:01:36] I have nothing to add. Just it's true that the Christians fled to the
19 bishop's palace. The Muslims went to the imam's compound. And on 5 December
20 we all went to the *École de la Liberté*. They received the same help, the same aid as we
21 did. We all received the same.

22 Q. (Overlapping speakers)

23 MS PROULX: [11:02:14] Mr President, I think this is a good time for the break.

24 PRESIDING JUDGE SCHMITT: [11:02:16] Indeed. Do you have an idea how long
25 it will take after the break?

- 1 MS PROULX: [11:02:23] I think it could be the full session.
- 2 PRESIDING JUDGE SCHMITT: [11:02:28] But I think we should at least strive to
3 finish after the next session.
- 4 Okay, we have now the break until 11.30.
- 5 THE COURT USHER: [11:02:40] All rise.
- 6 (Recess taken at 11.02 a.m.)
- 7 (Upon resuming in open session at 11.31 a.m.)
- 8 THE COURT USHER: [11:31:56] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE SCHMITT: [11:32:18] Ms Proulx.
- 11 MS PROULX: [11:32:22] Mr President, I would now like to talk about the
12 5 December attack, and for this reason I would like to go in private session, please.
- 13 PRESIDING JUDGE SCHMITT: [11:32:40] Private session.
- 14 (Private session at 11.32 a.m.)
- 15 THE COURT OFFICER: [11:32:53] We are in private session, Mr President.
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20 (Open session at 12.09 p.m.)

21 THE COURT OFFICER: [12:09:33] We are back in open session, Mr President.

22 MS PROULX: [12:09:40] (Interpretation)

23 Q. [12:09:46] Witness, I think that what emerges from what we have discussed this

24 morning is that back in 2013 in Bossangoa and around Bossangoa there were -- was a

25 number of categories of people who were likely to carry out or might have carried out

1 abuses: The Seleka, the Anti-Balaka, the Peuhl and armed civilians. Do you agree
2 that that is the case, we discussed them all?

3 A. [12:10:31] I haven't understood the question.

4 Q. [12:10:38] No problem. Let me rephrase it.

5 Basically what I'm putting to you, what I'm suggesting to you is that back at that
6 period in time in Bossangoa and around Bossangoa there were several categories of
7 people who could have or may very well have committed abuses. This morning we
8 talked, amongst others, about the Seleka, the Anti-Balaka, the Peuhl and civilians.
9 Do you agree? Do you agree what I've said?

10 A. [12:11:30] Well, I can only testify to what I saw with my own eyes. I can't
11 testify to things that I didn't experience myself. You can look at -- consult the
12 newspapers, consult other documents and look at other information that is not
13 available to me. I only know what I lived through.

14 Q. [12:12:01] I understand, Witness. That's all we want. We simply want you to
15 testify to what you know yourself or indeed what you heard.

16 But at this point in time, I'd like to explore with you how a citizen in Bossangoa, how
17 a person could differentiate between a Seleka, an Anti-Balaka, a Peuhl or a civilian,
18 for example.

19 Now, the first thing is you said to me earlier that one of the distinctive signs of an
20 Anti-Balaka was that they wore *gris-gris*. Is it correct to say that you knew what a
21 *gris-gris* was even before the Anti-Balaka arrived, you knew what *gris-gris* was?

22 A. [12:13:05] Yes, yes. I had already seen them.

23 Q. [12:13:16] So if you had already seen such things before the arrival of the
24 Anti-Balaka, is that because civilians sometimes had *gris-gris*?

25 A. [12:13:43] I don't know.

1 Q. [12:13:58] Where had you seen *gris-gris* before, before the arrival of the
2 Anti-Balaka?

3 A. [12:14:20] I saw that the Seleka also wore *gris-gris*.

4 Q. [12:14:41] Thank you. Well, in fact you've answered the -- a question which
5 I was going to put to you. So the Seleka had *gris-gris*, the Anti-Balaka had *gris-gris*,
6 and perhaps you would also agree that it's possible that civilians would also have
7 *gris-gris*. Do you agree with that?

8 A. [12:15:15] Yes, that's right.

9 PRESIDING JUDGE SCHMITT: [12:15:24] I think the question suggests itself, and I
10 don't want to go back to private session, but I think I can word it in a way that we can
11 stay in open session.

12 Madam Witness, earlier you described that the five people we spoke already about
13 quite often, that they wore *gris-gris*. These *gris-gris*, were they specific in your -- how
14 you perceived it for Seleka or for Anti-Balaka or whatsoever, or was there no
15 difference or couldn't you tell?

16 THE WITNESS: [12:16:19](Interpretation) I don't know. I can't differentiate. The
17 Anti-Balaka and the Seleka wore *gris-gris*.

18 PRESIDING JUDGE SCHMITT: [12:16:34] But you know you said you identified
19 these people together with other features, such as uniform and weapons, as
20 Anti-Balaka. So this was my question. If you could be sure of that.

21 THE WITNESS: [12:17:18](Interpretation) Because they spoke Sango.

22 PRESIDING JUDGE SCHMITT: [12:17:23] I understand.

23 Please move on.

24 MS PROULX: [12:17:37] (Interpretation)

25 Q. [12:17:40] Witness, to your knowledge, did some Seleka speak Sango?

1 A. [12:17:54] I don't know. Based on what I learnt, they didn't know how to speak
2 Sango.

3 Q. [12:18:17] Now, have I understood correctly that the only way to determine
4 whether a person was Anti-Balaka or Seleka, given that you described them
5 physically as being similar, that therefore the only way to differentiate was by
6 whether they spoke Sango or not; is that right?

7 A. [12:18:46] Yes, that's right.

8 MS PROULX: [12:18:55] (Overlapping speakers) take one moment to confer?

9 PRESIDING JUDGE SCHMITT: [12:18:57] I didn't hear you. Actually the
10 microphone was on and I didn't hear you.

11 MS PROULX: [12:19:03] Apologies. I would like one moment to confer, please.

12 PRESIDING JUDGE SCHMITT: [12:19:11] Of course.

13 (Counsel confers)

14 MS PROULX: [12:19:38] (Interpretation) Witness, your answer was very clear, and
15 now thanks to you, I'm going to be able to stop just there. So I have put all my
16 questions to you now. I'd like to thank you very much for your patience and for
17 having taken the time to answer them. So this brings to an end my examination.
18 Thank you.

19 And I thank you, your Honour.

20 PRESIDING JUDGE SCHMITT: [12:20:01] Thank you very much.

21 The Prosecution, any further questions?

22 MS BERDENNIKOVA: [12:20:06] Thank you, your Honours. We're going to have
23 just a couple of very short questions for re-examination.

24 PRESIDING JUDGE SCHMITT: [12:20:15] Of course, yeah. Please then. And also
25 explain the situation now to the witness, perhaps, so that she does not get confused --

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(Open Session)

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- 1 MS BERDENNIKOVA: [12:20:23] Yes.
- 2 PRESIDING JUDGE SCHMITT: [12:20:24] -- by the switch of different parties, so to
3 speak.
- 4 MS BERDENNIKOVA: [12:20:27] Sure.
- 5 PRESIDING JUDGE SCHMITT: [12:20:38] Perhaps I can do it.
- 6 Madam Witness, you have heard that Ms Proulx, who has questioned you on behalf
7 of the Defence, has finished her questioning. And now the Prosecution has some
8 follow-up questions. So that you understand that now the person that is questioning
9 you has changed. And as I understand it, there will be some short questions so it
10 will not take long.
- 11 So Prosecution has the floor again.
- 12 MS BERDENNIKOVA: [12:21:11] Your Honours, we would like to show a couple of
13 screenshots to the witness and I don't know if it's easier to let the court officer know
14 the timestamp or for us maybe to take five minutes and just to send the relevant
15 timestamps to save time.
- 16 PRESIDING JUDGE SCHMITT: [12:21:31] Perhaps the court officer could answer to
17 that. I don't know actually what would be quicker.
- 18 THE COURT OFFICER: [12:21:39] If this is a screenshot of a video, we cannot scroll
19 to get to the desired timestamp. That is not possible for us to do it here.
- 20 MS BERDENNIKOVA: [12:21:51] In that case, your Honours, maybe we can have
21 just a couple of minutes --
- 22 PRESIDING JUDGE SCHMITT: [12:21:56] Of course. We have a short break and
23 then we continue.
- 24 MS BERDENNIKOVA: [12:22:00] All right.
- 25 PRESIDING JUDGE SCHMITT: [12:22:02] Please try to be as quick as possible so

- 1 that we can stay around, so to speak.
- 2 MS BERDENNIKOVA: [12:22:07] I think it will not take long.
- 3 PRESIDING JUDGE SCHMITT: Okay, fine.
- 4 MS BERDENNIKOVA: [12:22:11] Really, two minutes.
- 5 PRESIDING JUDGE SCHMITT: [12:22:16] Short break.
- 6 THE COURT USHER: [12:22:18] All rise.
- 7 (Recess taken at 12.22 p.m.)
- 8 (Upon resuming in open session at 12.34 p.m.)
- 9 THE COURT USHER: [12:34:33] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE SCHMITT: [12:34:53] So please continue.
- 12 MS BERDENNIKOVA: [12:34:56] Thank you, Mr President. Perhaps we should do
- 13 this in private session because the corresponding issue was dealt with in
- 14 private session.
- 15 PRESIDING JUDGE SCHMITT: [12:35:09] Okay. Then we go to private session.
- 16 Or is it more generic? Because I see Mr Vanderpuye not in full agreement. So if we
- 17 can stay in open session, then we should do that.
- 18 Yeah, I have a suspicion what you are going to do, so I think perhaps you can stay in
- 19 open session.
- 20 MS BERDENNIKOVA: [12:35:38] Indeed. We'll just keep it more general.
- 21 PRESIDING JUDGE SCHMITT: [12:35:41] Yeah, okay. Good.
- 22 MS BERDENNIKOVA: [12:35:53] If I may, I can see better on my screen.
- 23 QUESTIONED BY MS BERDENNIKOVA:
- 24 Q. [12:35:55] Madam Witness, I will ask the court officer to show you a few
- 25 photographs which are screenshots of videos. And have a close look at these. You

1 will see -- you will see a number of individuals. It's photographs that are not from
2 Bossangoa, but have a look and let us know if the turbans that these individuals are
3 wearing resemble or not what you would have seen on 5 December?

4 PRESIDING JUDGE SCHMITT: [12:36:33] Ms Proulx.

5 MS PROULX: [12:36:33] Mr President, I'm sorry. I don't mean to be disruptive, but
6 I would argue that the issue of the turban was entirely foreseeable. It was
7 mentioned very clearly in the witness's statement and it should have been dealt with
8 in direct examination. I think this goes beyond the realm of re-examination.

9 PRESIDING JUDGE SCHMITT: [12:36:54] I don't think so, because -- you know, if
10 you argue like that then the Prosecution would have to go to every small detail and
11 they don't know what you are focussing on. And you have -- no, you have shown
12 the witness a picture of people with a turban, and I think it is fair to give the
13 Prosecution perhaps not the possibility to show 20 pictures, but some also to the
14 witness and ask her if this -- if she recognises it or not.

15 So please continue.

16 MS BERDENNIKOVA: [12:37:32]

17 Q. [12:37:34] I will read out the ERN numbers and the timestamps for the record.

18 So we could start with CAR-OTP-2065-0850. And the exact timestamp is 00:00:01:06.

19 PRESIDING JUDGE SCHMITT: [12:37:58] Please make it short, meaning
20 showing -- when the witness has seen it, simply ask her the question and then move
21 on.

22 MS BERDENNIKOVA: [12:38:22]

23 Q. [12:38:23] Madam Witness, the individual wearing a turban, is this turban
24 similar to what you saw on 5 December?

25 A. [12:38:50] The ones they were wearing were red. It wasn't the same colour.

- 1 PRESIDING JUDGE SCHMITT: [12:38:56] Please move on.
- 2 MS BERDENNIKOVA: [12:38:59] Could we have CAR-OTP-2065-0850 - I believe it's
3 the same ERN - at 00:00:12:20.
- 4 MS PROULX: [12:39:24] Your Honour, I apologise. It seems to be the exact same
5 turban. She already asked the question.
- 6 PRESIDING JUDGE SCHMITT: [12:39:32] Is it? Or is it a different screenshot?
7 I'm not sure.
- 8 MS BERDENNIKOVA: [12:39:37] It's a clearer -- it's a different screenshot of indeed
9 the same person, but it's clearer --
- 10 PRESIDING JUDGE SCHMITT: [12:39:44] She has answered that. Please continue.
11 You're right, of course, here.
- 12 MS BERDENNIKOVA: [12:39:48] Could we show CAR-OTP-2065-2857,
13 timestamp 00:00:17:10.
- 14 Q. [12:40:21] Madam Witness, is the way that the turban is -- covers the head or
15 anything else about it similar to what you saw on the five people on 5 December?
- 16 A. [12:40:52] They also wore their turbans in this way. However, their turbans
17 were very red. It was a very vibrant red and this red isn't so vibrant. But I
18 couldn't -- but I couldn't really see the eyes of the person.
- 19 PRESIDING JUDGE SCHMITT: [12:41:15] So I think if you don't have anything
20 completely different and perhaps in red, I think we can -- can leave it at that, I would
21 say.
- 22 MS BERDENNIKOVA: [12:41:26] All right, your Honours. And just to note that
23 there will be evidence in the case that the individual in the -- in this last frame on the
24 left is Sylvestre Yagouzou.
- 25 PRESIDING JUDGE SCHMITT: [12:41:39] I assume there will be a lot of evidence in

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1 this case from both sides, so to speak, so we will take note of it. So this concludes
2 your examination.

3 MS BERDENNIKOVA: [12:41:49] Thank you, indeed.

4 PRESIDING JUDGE SCHMITT: [12:41:51] Thank you. So this concludes also the
5 hearing for today.

6 And, Madam Witness, this concludes your testimony. On behalf of the Chamber,
7 I would like to thank you that you have taken it upon you to talk about the events
8 that you take -- have taken it upon you to talk about, very painful recollections that
9 you have, and the Chamber really appreciates that you, as a witness, help us to
10 establish the truth in this case.

11 Again, thank you very much. We wish you a safe trip back home, although we
12 know it is a difficult home. And also, on behalf of the Chamber, I say that we wish
13 you all the best for your future. Thank you.

14 THE WITNESS: [12:43:00](Interpretation) Thank you.

15 PRESIDING JUDGE SCHMITT: [12:43:01] So as I said, this concludes the hearing for
16 today. We continue tomorrow at 9.30 and I think it's Prosecution Witness 0965.
17 Okay. Thank you.

18 THE COURT USHER: [12:43:15] All rise.

19 (The hearing ends in open session at 12.43 p.m.)

20 CORRECTIONS REPORT